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HOUSE BILL 238

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Jane E. Powdrell-Culbert

FOR THE CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING AN EXEMPTION TO THE MANDATORY FINANCIAL RESPONSIBILITY ACT FOR A DRIVER OF AN UNINSURED MOTOR VEHICLE WHO TRANSPORTS A PERSON UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-205 NMSA 1978 (being Laws 1983, Chapter 318, Section 6, as amended) is amended to read:

"66-5-205. VEHICLE MUST BE INSURED OR OWNER MUST HAVE EVIDENCE OF FINANCIAL RESPONSIBILITY--PENALTIES.--

A. ~~[No]~~ An owner shall not permit the operation of an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless the vehicle is specifically exempted from

underscored material = new
[bracketed material] = delete

underscored material = new
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1 the provisions of the Mandatory Financial Responsibility Act.

2 B. ~~[No]~~ A person shall not drive an uninsured motor
3 vehicle, or a motor vehicle for which evidence of financial
4 responsibility as was affirmed to the department is not
5 currently valid, upon the streets or highways of New Mexico
6 unless ~~[he is]~~:

7 (1) the person drives the vehicle for the
8 purpose of safely transporting a person under the influence of
9 intoxicating liquor or drugs; or

10 (2) otherwise specifically exempted from the
11 provisions of the Mandatory Financial Responsibility Act.

12 C. For the purposes of the Mandatory Financial
13 Responsibility Act, "uninsured motor vehicle" means a motor
14 vehicle for which a motor vehicle insurance policy meeting the
15 requirements of the laws of New Mexico and of the secretary, or
16 a surety bond or evidence of a sufficient cash deposit with the
17 state treasurer, is not in effect ~~[or a surety bond or evidence~~
18 ~~of a sufficient cash deposit with the state treasurer]~~.

19 D. The provisions of the Mandatory Financial
20 Responsibility Act requiring the deposit of evidence of
21 financial responsibility as provided in Section 66-5-218 NMSA
22 1978, subject to certain exemptions, may apply with respect to
23 persons who have been convicted of or forfeited bail for
24 certain offenses under motor vehicle laws or who have failed to
25 pay judgments or written settlement agreements upon causes of

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1 action arising out of ownership, maintenance or use of vehicles
2 of a type subject to registration under the laws of New Mexico.

3 E. ~~Any~~ A person who violates the provisions of
4 this section is guilty of a misdemeanor and upon conviction
5 shall be sentenced to a fine not to exceed three hundred
6 dollars (\$300). "

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